



CRL MP(MD) NO. 865 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 865 of 2025

IN

CRL RC(MD) NO. 75 of 2025

S.Prathiba

W/o. Sivakumar, No.26, Aarokkiya Nagar , 1st Street, Pudukottai
Road, Thanjavur District.

Petitioner(s)

Vs

R.Seralathan

S/o. V.S.Ramalingam, No.9 L.I.C. Colony 6th Street, Medical
College Road, Thanjavur.

Respondent(s)

For Petitioner(s):

Mr.S.Gokulraj, Advocate

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur, in S.T.C.No.3 of 2022, dated 02.03.2024, which was confirmed by the learned Principal Sessions Judge, Thanjavur in Criminal Appeal No.76 of 2024 dated 18.12.2024, pending disposal of the Criminal Revision Case in CrI.R.C.(MD)No.75 of 2025.



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2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 02.03.2024 for the offence under Section 138 of Negotiable Instruments Act, and the trial Court sentenced her to undergo simple imprisonment for a period of one year and to pay a sum of Rs.70,00,000/- (Rupees Seventy Lakhs only) as compensation to the respondent within a period of one month, in default, to undergo simple imprisonment for a period of two months in S.T.C.No.3 of 2022 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur.

3. The learned Principal Sessions Judge, Thanjavur confirmed the conviction and sentence, and dismissed the Criminal Appeal No.76 of 2024, dated 18.12.2024. Challenging the same, the present Criminal Revision case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, has been filed before this Court.

4. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. Further, he submitted



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that the petitioner is now ready to deposit 20% of the cheque amount i.e. a sum of Rs.14,00,000/- (Rupees Fourteen Lakhs only) to show her bonafide.

5. This Court has carefully considered the submission made by the learned counsel for the petitioner, and has also perused the materials available on record.

6. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future and as such, and also considering the bonafide expressed by the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner shall deposit **20% of the cheque**



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amount i.e. a sum of **Rs.14,00,000/- (Rupees Fourteen Lakhs only)** to the credit of S.T.C.No.3 of 2022 on the file of the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur **on or before 27.02.2025**, failing which, the sentence suspended shall automatically dismissed, and the respondent is at liberty to execute the sentence imposed by the trial Court against the petitioner in the manner known to law;

(ii) On such deposit, the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the Fast Track Court at Judicial Magistrate Level, Thanjavur District;

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iv) The petitioner shall appear before the learned Judicial Magistrate, Fast Track Court at Magisterial Level,



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Thanjavur once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

(v) On such deposit, the learned Judicial Magistrate, Fast Track Court at Magisterial Level, Thanjavur shall re-deposit the said sum in a Nationalized Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the Criminal Revision Case in CrI.R.C.(MD)No.75 of 2025.

8. Issue notice to the respondent returnable on 28.02.2025. Private notice is also permitted.

9. List the matter on **28.02.2025** under the caption “for reporting compliance”.

sd/-
24/01/2025

/ TRUE COPY /

/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

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TO

- 1 THE PRINCIPAL SESSIONS JUDGE
THANJAVUR.
 - 2 THE FAST TRACK JUDGE AT
JUDICIAL MAGISTRATE LEVEL, THANJAVUR DISTRICT.
 - 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- +1 CC to M/s.S.GOKULRAJ, Advocate (SR-848[I] dated 24/01/2025)

ORDER
IN
CRL MP(MD) No.865 of 2025
IN
CRL RC(MD) NO. 75 of 2025
Date :24/01/2025

SS/VR/SAR- /12/02/2025/ 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023